

Composition of Licensing Boards – Feb. 20, 2013

2-15-1704. Board of labor appeals -- allocation -- composition -- function -- quasi-judicial. (1) There is a board of labor appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

(3) The board is composed of **three members of the public** who are not employees of the state government, appointed by the governor as prescribed in [2-15-124](#).

(4) The governor may appoint a substitute board member to the board who is subject to the same qualifications and confirmation requirements as the regular board members as prescribed in [2-15-124](#) and subsection (3) of this section. The substitute board member may serve in place of any regular board member who is unable to attend a board meeting and participate in the proceedings and decisions of that board meeting. The substitute board member is entitled to the same compensation and per diem as the regular board members.

(5) The board is designated as a quasi-judicial board for purposes of [2-15-124](#).

2-15-1705. Board of personnel appeals -- allocation -- composition -- vote necessary for decision -- quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in [2-15-121](#).

(3) (a) The board consists of **five members and three substitute members** appointed by the governor as follows:

(i) **two members who are full-time management employees** in organizations with collective bargaining units or who represent management in collective bargaining activities and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending;

(ii) **two members who are full-time employees or elected officials of a labor union** or an association recognized by the board and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending; and

(iii) **one other member having general labor-management experience** who is the presiding officer and a substitute member with the same qualifications as the other member who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending.

(b) All members of the board shall serve as impartial decision makers and are not appointed to serve the interests of the organizations they represent.

(c) A substitute board member is entitled to the same compensation and per diem when serving as the other members of the board.

(4) In all proceedings before the board, a favorable vote of at least a majority of a quorum is sufficient to adopt any resolution, motion, or other decision.

(5) The board is designated a quasi-judicial board for purposes of [2-15-124](#).

Part 2. Board of Osteopathic Physicians (Repealed)

2-15-1731. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(2) The board consists of **13 members** appointed by the governor with the consent of the senate. Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

(a) **five members having the degree of doctor of medicine**, including one member with experience in emergency medicine;

(b) **one member having the degree of doctor of osteopathy**;

(c) **one member who is a licensed podiatrist**;

(d) **one member who is a licensed nutritionist**;

(e) **one member who is a licensed physician assistant**;

(f) **one member who is a licensed acupuncturist**;

(g) **one member who is a volunteer emergency medical technician**, as defined in [50-6-202](#); and

(h) **two members of the general public** who are not medical practitioners.

2-15-1732. Board of dentistry. (1) There is a board of dentistry.

(2) The board consists of five dentists, one denturist, two dental hygienists, and two public members, one of whom must be a senior citizen. All members are appointed by the governor with the consent of the senate.

2-15-1734. Board of nursing. (1) There is a board of nursing.

(2) The board consists of nine members appointed by the governor with the consent of the senate. The members are:

(a) four registered professional nurses, of whom at least one must have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing, at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility, and at least one must be currently engaged in the administration, supervision, or provision of direct client care. Each member who is a registered professional nurse must:

- (i) be a graduate of an approved school of nursing;
- (ii) be a licensed registered professional nurse in this state;
- (iii) have had at least 5 years' experience in nursing following graduation; and
- (iv) be currently engaged in the practice of professional nursing and have practiced for at least 5 years.

(b) three practical nurses. Each must:

- (i) be a graduate of a school of practical nursing;
- (ii) be a licensed practical nurse in this state;
- (iii) have had at least 5 years' experience as a practical nurse; and
- (iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.

(c) two public members who are not medical practitioners, involved in the practice of nursing or employment of nursing, or administrators of Montana health care facilities.

(3) All members must have been residents of this state for at least 1 year before appointment and must be citizens of the United States.

(4) All members shall serve staggered 4-year terms, and a member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law or for incompetency or unprofessional or dishonorable conduct.

(5) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1735. Board of nursing home administrators. (1) There is a board of nursing home administrators.

(2) The board consists of six voting members appointed by the governor with the consent of the senate. Three members must be nursing home administrators. One member shall represent the public at large and must be 55 years of age or older at the time of appointment. The other two members must be representatives of professions or institutions concerned with the care of chronically ill and infirm aged patients and may not be from the same profession or have a financial interest in a nursing home.

(3) The director of the department of public health and human services or the director's designee is an ex officio, nonvoting member of the board.

2-15-1736. Board of optometry. (1) There is a board of optometry.

(2) The board consists of four members appointed by the governor with the consent of the senate. Three members must be registered optometrists of this state and actually engaged in the exclusive practice of optometry in this state during their terms of office. One member must be a representative of the public who is not engaged in the practice of optometry.

(3) Members shall serve staggered 4-year terms.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1730. Alternative health care board -- composition -- terms -- allocation. (1) There is an alternative health care board.

(2) The board consists of six members appointed by the governor with the consent of the senate. The members are:

(a) two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding appointment to the board;

(b) one public member who is not a member of a profession regulated by the board; and

(c) one member who is a Montana physician whose practice includes obstetrics.

(3) The members must have been residents of this state for at least 3 years before appointment to the board.

(4) All members shall serve staggered 4-year terms. The governor may remove a member from the board for

neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

(5) The board is allocated to the department for administrative purposes only, as prescribed in [2-15-121](#).

2-15-1737. Board of chiropractors. (1) There is a board of chiropractors.

(2) The board consists of four members appointed by the governor with the consent of the senate. Three members must be practicing chiropractors of integrity and ability who are residents of this state and who have practiced chiropractic continuously in this state for at least 1 year. No two members may be graduates of the same school or college of chiropractic. One member must be a representative of the public who is not engaged in the practice of chiropractic.

(3) Each member shall serve for a term of 3 years. No member may be appointed for more than two consecutive terms. A member may be removed from office by the governor on sufficient proof of the member's inability or misconduct.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1738. Board of radiologic technologists. (1) There is a board of radiologic technologists.

(2) The board consists of seven members appointed by the governor with the consent of the senate, including:

(a) a radiologist licensed to practice medicine in Montana;

(b) a person granted a permit issued by the board pursuant to [37-14-306](#);

(c) a public member; and

(d) four licensed radiologic technologists registered with the American registry of radiologic technologists (ARRT), including one radiologist assistant or radiology practitioner assistant licensed under [37-14-313](#).

(3) Vacancies in unexpired terms must be filled for the remainder of the term.

(4) Each member shall serve 3-year terms.

(5) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1739. Board of speech-language pathologists and audiologists. (1) There is a board of speech-language pathologists and audiologists.

(2) The board consists of five members who shall:

(a) be appointed by the governor with the consent of the senate;

(b) have been residents of this state for at least 1 year immediately preceding their appointment; and

(c) have been engaged in rendering services to the public, teaching, or performing research in the field of speech-language pathology or audiology for at least 5 years immediately preceding their appointment.

(3) At least two members of the board shall be speech-language pathologists and at least two shall be audiologists, with the remaining member to be a public member who is a consumer of speech-language pathology or audiology services and who is not a licensee of the board or of any other board within the department. All board members, except the public member, shall at all times be validly licensed in speech-language pathology or audiology.

(4) Appointments shall be for 3-year terms with no person eligible to serve more than two full consecutive terms. Terms begin on the first day of the calendar year and end on the last day of the calendar year.

(5) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1740. Board of hearing aid dispensers. (1) There is a board of hearing aid dispensers.

(2) The board consists of five members appointed by the governor with the consent of the senate, including:

(a) two members, each of whom has been a licensed hearing aid dispenser for at least 5 years, possesses a current audiologist license issued under Title 37, chapter 15, and has a master's level college degree;

(b) two members, each of whom does not hold a master's level college degree in audiology but has been a licensed dispenser and fitter of hearing aids for at least 5 years before being appointed to the board; and

(c) one public member who is either an otolaryngologist or a person who is not a licensed hearing aid dispenser or a licensed audiologist and who regularly uses a hearing aid because of a demonstrated hearing impairment.

(3) Each member shall serve for 3-year terms. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1741. Board of psychologists. (1) There is a board of psychologists.

(2) The board consists of six members appointed by the governor with the consent of the senate. Two members must be licensed psychologists in private practice, one member must be a licensed psychologist in

public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public. A member may not serve more than two consecutive 5-year terms.

(3) Members shall serve staggered 5-year terms.

(4) The board is allocated to the department for administrative purposes only, as prescribed in [2-15-121](#).

2-15-1742. Board of veterinary medicine. (1) There is a board of veterinary medicine.

(2) The board consists of six members appointed by the governor with the consent of the senate, five of whom must be licensed veterinarians and one of whom must be a public member who is a consumer of veterinary services and who may not be a licensee of the board or of any other board under the department of labor and industry.

(3) Each veterinarian member must be a reputable licensed veterinarian who has graduated from a college that is authorized by law to confer degrees and that has educational standards equal to those approved by the American veterinary medical association. Each veterinarian member must have actually and legally practiced veterinary medicine in either private practice or public service in this state for at least 5 years immediately before appointment.

(4) Each member shall serve for a term of 5 years. The governor may, after notice and hearing, remove a member for misconduct, incapacity, or neglect of duty.

(5) The board is allocated to the department for administrative purposes only as provided in [2-15-121](#).

2-15-1743. Board of funeral service. (1) There is a board of funeral service.

(2) The board consists of six members appointed by the governor with the consent of the senate. Three members must be licensed morticians. One member must be a representative of the public who is not engaged in the practice of mortuary science or funeral directing. One member must be a licensed crematory operator or crematory technician or a mortician who is engaged in a crematory operation. One member must be a representative of a cemetery company governed by Title 37, chapter 19, part 8.

(3) Board members shall serve staggered 5-year terms.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1744. Board of social work examiners and professional counselors. (1) (a) The governor shall appoint, with the consent of the senate, a board of social work examiners and professional counselors consisting of seven members.

(b) Three members must be licensed social workers, and three must be licensed professional counselors.

(c) One member must be appointed from and represent the general public and may not be engaged in social work.

(2) The board is allocated to the department for administrative purposes only as provided in [2-15-121](#).

(3) Members shall serve staggered 4-year terms.

2-15-1745. Board of private alternative adolescent residential or outdoor programs. (1) There is a board of private alternative adolescent residential or outdoor programs.

(2) The board consists of five members appointed by the governor with the consent of the senate for 3-year terms. The members must include:

(a) three members from a list of nominees provided by programs, as defined in [37-48-102](#), of various sizes and types; and

(b) two members who must be from the general public.

(3) A vacancy on the board must be filled in the same manner as the original appointment.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1747. Board of barbers and cosmetologists. (1) There is a board of barbers and cosmetologists.

(2) The board consists of nine members appointed by the governor with the consent of the senate and must include:

(a) three licensed cosmetologists each of whom has been a resident of this state for at least 5 years and has been actively engaged in the profession of cosmetology for at least 5 years immediately prior to being appointed to the board;

(b) one member who has been a resident of this state for at least 5 years and has been actively engaged as a licensed electrologist, esthetician, or manicurist for at least 5 years immediately prior to being appointed to the board;

(c) three licensed barbers each of whom has been a resident of this state for at least 5 years and has been actively engaged in the profession of barbering for at least 5 years immediately prior to appointment to the

board; and

(d) **two members of the public** who are not engaged in the practice of barbering, cosmetology, electrology, esthetics, or manicuring.

(3) Not more than two members of the board may be members of or affiliated with a school.

(4) (a) If there is not a licensed barber qualified and willing to serve on the board in one of the three barber positions, the governor may appoint a cosmetologist, electrologist, esthetician, or manicurist otherwise qualified under this section to fill the position.

(b) If there is not a licensed cosmetologist qualified and willing to serve on the board in one of the three cosmetologist positions, the governor may appoint a barber, electrologist, esthetician, or manicurist otherwise qualified under this section to fill the position.

(5) Each member shall serve for a term of 5 years. The terms must be staggered.

(6) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1748. Board of physical therapy examiners. (1) There is a board of physical therapy examiners.

(2) The board consists of **five members** appointed by the governor with the consent of the senate for terms of 3 years. The members are:

(a) **four physical therapists** licensed under Title 37, chapter 11, who have been actively engaged in the practice of physical therapy for the 3 years preceding appointment to the board; and

(b) **one member of the general public** who is not a physician or a physical therapist.

(3) Each member must have been a resident of Montana for the 3 years preceding appointment to the board.

(4) A vacancy on the board must be filled in the same manner as the original appointment. These appointments may be made only for the unexpired portions of the term.

(5) A member may not be appointed for more than two consecutive terms.

(6) The governor may remove any board member for negligence in performance of any duty required by law and for incompetence or unprofessional or dishonorable conduct.

(7) A board member is not liable to civil action for any act performed in good faith in the execution of the duties required by Title 37, chapter 11.

(8) The board shall provide for its organizational structure by rule, which must include a presiding officer, vice presiding officer, and secretary-treasurer.

(9) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1749. Board of occupational therapy practice. (1) There is a board of occupational therapy practice.

(2) The board consists of **five members** appointed by the governor. The members are:

(a) **three occupational therapists** licensed under Title 37, chapter 24, who are actively engaged in the practice or teaching of occupational therapy; and

(b) **two members of the general public** with an interest in the rights of the consumers of health services.

(3) The Montana occupational therapy association may submit names of nominees under subsection (2)(a) of this section to the governor as provided in [37-1-132](#).

(4) Each appointment is subject to confirmation by the senate then meeting in regular session or next meeting in regular session following appointment.

(5) Members shall serve staggered 4-year terms. A term begins on the first day of the calendar year and ends on the last day of the calendar year or when a successor is appointed. A member who has served two successive complete terms is not eligible for reappointment until after 1 year.

(6) The governor may, after hearing, remove a member for neglect of duty or other just cause.

(7) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in [2-15-121](#).

2-15-1750. Board of respiratory care practitioners. (1) There is a board of respiratory care practitioners. The board consists of **five members** appointed by the governor with the consent of the senate. Each member must be a citizen of the United States and a resident of this state. The governor may request advice from the Montana society for respiratory care in making appointments to the board.

(2) The board consists of:

(a) subject to subsection (3), **three respiratory care practitioners**, each of whom has engaged in the practice of respiratory care for a period of at least 3 years immediately preceding appointment to the board;

(b) **one respiratory care practitioner** who has engaged in the practice of respiratory care for at least 3 years immediately prior to appointment and who specializes in pulmonary functions or sleep studies; and

(c) **one member of the public** who is not a member of a health care profession.

(3) At least one of the members appointed under subsection (2)(a) must have passed the registry

examination for respiratory therapists administered by the national board for respiratory care, and at least one of the members must have passed the entry-level examination for certified respiratory therapists administered by the national board for respiratory care.

(4) Members shall serve staggered 4-year terms.

(5) The board is allocated to the department of labor and industry for administrative purposes only as provided in [2-15-121](#).

2-15-1751. Board of sanitarians. (1) There is a board of sanitarians.

(2) The board consists of **five members** appointed by the governor with the consent of the senate. Each member must be a resident of this state, and **three of the members must be registered sanitarians**. **Two members must be from the public** but not sanitarians and shall represent the interests of the public at large. Each sanitarian member must have a minimum of 3 years of experience practicing as a sanitarian in the state of Montana.

(3) Members shall serve staggered 3-year terms that expire on July 1 of a given year.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1753. Board of clinical laboratory science practitioners. (1) There is a board of clinical laboratory science practitioners.

(2) The board is composed of **five members** who have been residents of this state for at least 2 years prior to appointment.

(3) Members are appointed by the governor, with consent of the senate. The members are:

(a) **four clinical laboratory science practitioners** who hold active licenses as clinical laboratory science practitioners in Montana; and

(b) **one public member** who is not associated with or financially interested in the practice of clinical laboratory science.

(4) Members shall serve staggered 4-year terms. A member may not serve more than two consecutive terms.

(5) Whenever a vacancy occurs on the board during a term of office, the governor shall appoint a successor with similar qualifications for the remainder of the unexpired term.

(6) The board is allocated to the department for administrative purposes only, as provided in [2-15-121](#).

(7) Members of the board are entitled to compensation and travel expenses as provided for in [2-18-501](#) through [2-18-503](#).

2-15-1756. Board of public accountants. (1) There is a board of public accountants.

(2) The board consists of **seven members** appointed by the governor. The members are:

(a) except as provided in subsection (3), **five certified public accountants** certified under Title 37, chapter 50, who are certified and actively engaged in the practice of public accounting and who have held a valid certificate for at least 5 years before being appointed; and

(b) **two members of the general public** who are not engaged in the practice of public accounting.

(3) The board may include four certified public accountants pursuant to subsection (2)(a) and one licensed public accountant licensed under Title 37, chapter 50, who is actively engaged in the practice of public accounting and who has held a valid license for at least 5 years prior to appointment.

(4) Professional associations of public accountants may submit to the governor a list of names of two candidates for each position from which the appointment pursuant to subsection (2)(a) may be made. However, the governor is not restricted to the names on the list. The list may include recommendations for a certified public accountant or a licensed public accountant.

(5) Each appointment is subject to confirmation by the senate and must be submitted for consideration at the next regular session following appointment.

(6) The members shall serve staggered 4-year terms. The governor may remove a member for neglect of duty or other just cause.

(7) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1757. Board of realty regulation. (1) There is a board of realty regulation.

(2) The board consists of **seven members** appointed by the governor with the consent of the senate. **Five members must be licensed real estate brokers, salespeople, or property managers** who are actively engaged in the real estate business as a broker, a salesperson, or a property manager in this state. **Two members must be representatives of the public** who are not state government officers or employees and who are not engaged in business as a real estate broker, a salesperson, or a property manager. The members must be residents of this state.

- (3) Not more than five members, including the presiding officer, may be from the same political party.
- (4) The members shall serve staggered terms of 4 years. A member may not serve more than two terms or any portion of two terms.
- (5) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1758. Board of real estate appraisers. (1) There is a board of real estate appraisers.

- (2) The board consists of seven members appointed by the governor with the consent of the senate.
- (3) Five members must be licensed or certified real estate appraisers, and two members must be representatives of the public who are not engaged in the occupation of real estate appraisal.
- (4) A screening panel of the board, established pursuant to [37-1-307](#), must be composed of at least three members and shall include one member of the board who represents the public and is not engaged in the occupation of real estate appraisal. Any determination that a licensee has violated a statute or rule in a manner that justifies disciplinary proceedings must be concurred in by a majority of the members of the screening panel.
- (5) Members shall serve staggered 3-year terms. A member may not serve for more than two consecutive terms.
- (6) The board is allocated to the department for administrative purposes only, as prescribed in [2-15-121](#).
- (7) A board member may be removed from the board by the governor for neglect or cause.
- (8) The board shall meet at least once each calendar quarter to transact its business.
- (9) The board shall elect a presiding officer from among its members.
- (10) A board member must receive compensation and travel expenses, as provided in [37-1-133](#).

2-15-1761. Board of architects and landscape architects. (1) There is a board of architects and landscape architects.

- (2) The board consists of six members appointed by the governor with the consent of the senate. The members are:
 - (a) two licensed architects who have been in continuous practice for 3 years before their appointment;
 - (b) one licensed architect who is on the staff of the Montana state university-Bozeman school of architecture;
 - (c) one representative of the public who is not engaged in or directly connected with the practice of architecture or landscape architecture; and
 - (d) two licensed landscape architects.
- (3) Each member must have been a resident of Montana for 4 years prior to appointment.
- (4) Each member shall serve for a term of 3 years.
- (5) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1763. Board of professional engineers and professional land surveyors. (1) There is a board of professional engineers and professional land surveyors.

- (2) The board consists of nine members appointed by the governor with the consent of the senate. The members are:
 - (a) five professional engineers who have been engaged in the practice of engineering for at least 12 years and who have been in responsible charge of engineering teaching or important engineering work for at least 5 years and licensed in Montana for at least 5 years. No more than two of these members may be from the same branch of engineering.
 - (b) two professional and practicing land surveyors who have been engaged in the practice of land surveying for at least 12 years and who have been in responsible charge of land surveying or important land surveying work for at least 5 years and licensed in Montana for at least 5 years;
 - (c) two representatives of the public who are not engaged in or directly connected with the practice of engineering or land surveying.
- (3) Each member must be a citizen of the United States and a resident of this state. A member, after serving three consecutive terms, may not be reappointed.
- (4) (a) Except as provided in subsection (4)(b), each member shall serve for a term of 4 years.
(b) The governor may remove a member for misconduct, incompetency, or neglect of duty or for any other sufficient cause and may shorten the term of one public member so that it is not coincident with the term of the other public member.
- (5) The board is allocated to the department for administrative purposes only, as prescribed in [2-15-121](#).

2-15-1764. State electrical board. (1) There is a state electrical board.

- (2) The board consists of five members appointed by the governor with the consent of the senate, who shall be residents of this state. Two members of the board shall represent the public. Two members of the board shall

be licensed electricians. One member shall be a master licensed electrical contractor.

(3) The members of the board shall serve for a term of 5 years with their terms of office so arranged that one term expires on July 1 of each year.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

-15-1765. Board of plumbers. (1) There is a board of plumbers.

(2) The board consists of [nine members](#) appointed by the governor with the consent of the senate. The members are:

(a) [two master plumbers and two journeyman plumbers](#) who are 18 years of age or older, who have been residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers at least 5 out of the last 8 years immediately preceding their appointment;

(b) [one registered professional engineer](#) qualified in mechanical engineering;

(c) [three representatives of the public](#) who are not engaged in the business of installing or selling plumbing equipment; and

(d) [one representative of the department of environmental quality](#), who must have experience in the regulation of drinking water systems.

(3) The appointed members of the board shall serve for terms of 4 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1771. Board of athletic trainers. (1) There is a board of athletic trainers.

(2) The board is composed of [five members](#) appointed by the governor as follows:

(a) [one member who is a physician](#) licensed under Title 37, chapter 3, preferably with a background in the practice of sports medicine;

(b) [three members who are athletic trainers](#) who have been engaged in the practice of athletic training in the state for at least 2 years prior to being appointed. After the initial appointments are made to establish the board, each of the three members must be licensed as an athletic trainer under Title 37, chapter 36. Of these three members, at the time of appointment:

(i) [one must be employed by or retired from employment with a postsecondary institution](#) in Montana;

(ii) [one must be employed in or retired from a secondary school](#) in Montana; and

(iii) [one must be employed by or retired from a health care facility](#) or an athletic facility in Montana.

(c) [one member of the public](#) who is not engaged in or directly connected with the practice of athletic training.

(3) There may be no more than one retired athletic trainer serving on the board at anytime.

(4) A vacancy on the board must be filled for an unexpired term to maintain the representation provided in subsection (2).

(5) The board is attached for administrative purposes only, as prescribed in [2-15-121](#), to the department of labor and industry.

(6) Members must be compensated as provided in [2-18-501](#) through [2-18-503](#).

(7) Members shall serve 4-year, staggered terms. A member may be reappointed for one consecutive term. A member who is reappointed must be eligible under the same criteria as when first appointed.

(8) For the purposes of this section, an appointment to fill an unexpired term does not constitute a full term.

(9) The governor may remove a member from the board for neglect of duty, for incompetency, or for cause.

2-15-1773. Board of outfitters. (1) There is a board of outfitters.

(2) The board consists of the following [seven members](#) to be appointed by the governor:

(a) [one big game hunting outfitter](#);

(b) [one fishing outfitter](#);

(c) [two outfitters who are engaged in the fishing and hunting outfitting business](#);

(d) [two sportspersons](#); and

(e) [one member of the general public](#).

(3) A favorable vote of at least a majority of all members of the board is required to adopt any resolution, motion, or other decision.

(4) A vacancy on the board must be filled in the same manner as the original appointment.

(5) The members shall serve staggered 3-year terms and take office on the day they are appointed.

(6) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in [2-15-121](#).

(7) Each member of the board is entitled to receive compensation and travel expenses as provided for in [37-1-133](#).

History: En. 82A-2005 by Sec. 57, Ch. 511, L. 1973; amd. Sec. 1, Ch. 63, L. 1974; R.C.M. 1947, 82A-2005; amd. Sec. 1, Ch. 545, L. 1981; amd. Sec. 3, Ch. 192, L. 1983; amd. Sec. 1, Ch. 528, L. 1987; Sec. [2-15-3403](#), MCA 1985; reded. [2-15-1883](#) by Sec. 11, Ch. 528, L. 1987; amd. Sec. 1, Ch. 501, L. 1989; amd. Sec. 1, Ch. 543, L. 1999; amd. Sec. 17, Ch. 483, L. 2001; Sec. [2-15-1883](#), MCA 1999; reded. [2-15-1773](#) by Sec. 221(2), Ch. 483, L. 2001; amd. Sec. 1, Ch. 328, L. 2011.

2-15-1781. Board of private security. (1) There is a board of private security.

(2) The board consists of **seven voting members** appointed by the governor with the consent of the senate. The members shall represent:

- (a) **one contract security company** or proprietary security organization, as defined by [37-60-101](#);
- (b) **one electronic security company**, as defined by [37-60-101](#);
- (c) **one city police department**;
- (d) **one county sheriff's office**;
- (e) **one member of the public**;
- (f) **one member of the Montana public safety officer standards and training council**; and
- (g) **a licensed private investigator or a registered process server**.

(3) Members of the board must be at least 25 years of age and have been residents of this state for more than 5 years.

(4) The appointed members of the board shall serve for terms of 3 years. The terms of board members must be staggered.

(5) The governor may remove a member for misconduct, incompetency, neglect of duty, or unprofessional or dishonorable conduct.

(6) A vacancy on the board must be filled in the same manner as the original appointment and may be only for the unexpired portion of the term.

(7) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).

2-15-1782. Board of massage therapy. (1) There is a board of massage therapy.

(2) The board consists of **five members** appointed by the governor with the consent of the senate. The members are:

- (a) **one representative of the public** who is not a medical practitioner or an owner of a school that educates massage therapists and is not engaged in or directly connected with the practice of massage therapy;
- (b) **one member who is a licensed health care provider** in good standing in Montana and who is not an owner of a school that educates massage therapists; and
- (c) **three massage therapists**, none of whom may be an owner of a school that educates massage therapists, who have been actively engaged in the practice of massage therapy for at least 3 years prior to being appointed to the board. None of the three massage therapists may belong to the same national professional association. After the initial appointments are made to establish the board, each of the three members must be licensed as a massage therapist under Title 37, chapter 33.

(3) Members shall serve 4-year, staggered terms. The governor may remove a member from the board for neglect of duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(4) The governor shall make the initial appointments to the board as follows:

- (a) one person who is a massage therapist to serve a 2-year term;
- (b) one person who is a massage therapist to serve a 3-year term; and
- (c) one person who is a massage therapist to serve a 4-year term.

(5) At the expiration of terms provided in subsection (4), the governor shall appoint the person designated to fill each position to a 4-year term.

(6) The board is allocated to the department for administrative purposes only as prescribed in [2-15-121](#).